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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

RICOH COMPANY, LTD.,

Plaintiff,

vs.

AEROFLEX INCORPORATED, et al.,

Defendants.

CASE NO. CV 03-04669-MJJ

**RICOH'S MOTION TO ADVANCE THE
CASE MANAGEMENT CONFERENCE**

**Date: Not Set
Time: Not Set
Courtroom: 11**

1 Plaintiff, Ricoh Company, Ltd. (Rico), seeks an Order from this Court under Local Rule 6-3(a)
2 to hold the Case Management Conference at a date to be set by the Court which is earlier than the
3 presently scheduled date of February 10, 2004.

4 There have been no previous requests by any party to reschedule the Case Management
5 Conference while this action has been pending in the Northern District of California.

6 Defendants' counsel has stated they have no objection in principle to an earlier Case
7 Management Conference.
8

9 RELIEF REQUESTED

10 Specifically, Rico seeks an Order from this Court scheduling the Case Management Conference
11 at a date earlier than the presently scheduled date of February 10, 2004. Rico proposes the date of
12 December 9, 2003 since counsel for all parties will be before the Court in connection with a pending
13 motion to stay this case.

14 MEMORANDUM OF POINTS AND AUTHORITIES

15 I. STATEMENT OF ISSUE TO BE DECIDED

16 *Whether this Court should schedule the Case Management Conference at a date earlier than the*
17 *presently scheduled date?*
18

19 II. ARGUMENT

20 This case was begun in Delaware in January 2003. After a Case Management Conference was
21 held in Delaware (a copy of the resulting Scheduling Order is attached to the Meilman Declaration as
22 Exhibit A) and discovery was ongoing for months, the action was transferred to this Court. After being
23 received in the Northern District of California, the case transferred within the District several times and
24 is now assigned to Judge Jenkins because it is related to the later commenced *Synopsys Inc. v. Ricoh*
25 *Company Ltd*, CV 03-02289 MJJ, a case in which the parties have already submitted a Case
26 Management Report (copy attached to the Meilman Declaration as Exhibit B). In the above-captioned
27 action, Case Management Conference notices by the clerk were issued and vacated as transfers within
28

1 this District took place. The Case Management Conference is now scheduled for February 10, 2004.
2 The Case Management Conference in *Synopsys v. Ricoh* is also currently scheduled for February 10,
3 2004 and a similar motion is being concurrently made in that case.

4 In their motion to transfer to this Court, the defendants asked the Delaware court to transfer the
5 action here so that it could be consolidated with the *Synopsys v. Ricoh* action; Ricoh hereby joins in the
6 suggestion for consolidation. While consolidation has not yet taken place, the defendants have filed a
7 motion to stay this case in its entirety which is scheduled to be heard on December 9, 2003. Ricoh is
8 opposing that motion on many grounds, including, *inter alia*, the need for discovery of the defendants in
9 the present case even if a stay is granted and the issues in the present action would not necessarily be
10 resolved even if Synopsys prevails in the other action, causing this action to be reactivated after a hiatus
11 of more than one year.
12

13 Ricoh submits that holding a Case Management Conference in this Court earlier than 13 months
14 after the Complaint was filed and 5 months after the case was transferred is warranted. Delay resulting
15 from the transfer was inevitable but it should be minimized as much as possible.
16

17 Actually, this would be the second Case Management Conference in this action. What is needed
18 is to adapt the Order issued by Delaware District Court Judge Sleet to the local rules of this Court, rather
19 than start completely from scratch. The parties should know when activities scheduled by Judge Sleet
20 will be due in this Court. For instance, this case is still operating under a Court Order setting a fact
21 discovery cut-off date in January 2004, a month before the Case Management Conference is now
22 scheduled to be held! Consideration of consolidation, one of the reasons defendants asked to have the
23 case transferred here in the first place, is also better held earlier than later. The discovery which was
24 underway when this case was transferred has languished (as apparent from the currently pending
25 motions relating thereto) and that can be remedied by direction and guidance from this Court.
26

27 The parties are currently scheduled to be before the Court in connection with a pending motion
28 on December 9, 2003. Since counsel for all parties in this and the related case will be present, it is

suggested the Case Management Conference be held on that day.

III CONCLUSION

For the foregoing reasons, the Court should reset the date for the Case Management Conference earlier than February 10, 2004, and preferably on December 9, 2003.

Dated: November 18, 2003

Respectfully submitted,
Ricoh Company, Ltd.

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